

REGULAR MEETING AGENDA

Wednesday, June 17, 2015 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 29-2015

Opened on May 20, 2015 and after testimony, continued to tonight, June 17, 2015. The previously seated ZBA members for this request are Vic Capellupo, Mike Nedder, Gary

Greene, Jeff Williams, and Kevin Fullington. Chuck Deluca and Rich Wood have reviewed the application materials, the tape recording of the May 20th segment of the hearing, and the submitted documents in order to be fully informed of this request and to be prepared to sit on this application. This hearing must be concluded by June 24th (within 35 days after its May 20th opening). The next scheduled ZBA meeting is June 24, 2015. If the ZBA determines to continue this hearing further the applicant would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until a later date. Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

The application of Jacqueline Kaufman and Carmody Torrance Sandak & Hennessey LLP on behalf of Noroton Yacht Club Inc. submitted on April 16, 2015 for variances of Sections 416, 362 and 825 of the Darien Zoning Regulations; to allow the construction of a launch shed, a replacement two and one half story clubhouse, a two story sailing center, and the installation of dumpster enclosure fencing; Section 416: 18.1 in lieu of 30.0 feet minimum required front yard setback and 12.6 in lieu of 25.0 feet minimum required rear yard setback for the clubhouse; and 4.6 in lieu of 25.0 feet minimum required rear yard setback for the launch shed; Section 362: installation of 6 in lieu of 4 feet maximum height fencing for the dumpster enclosure; and Section 825: construction of habitable space and installation of electrical and code required systems at 9.0 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south/southeast side of Baywater Drive approximately 100 feet east of the intersection with Plymouth Road and is shown on Assessor's Map #55 as Lots #96, 95 & 92, being 23 Baywater Drive and located in the R-NBD (residential) Zone.

CALENDAR NO. 21-2015

Opened on May 13, 2015 and immediately continued to tonight, June 17, 2015 due to a neighbor notification difficulty. Since no testimony, comment, or additional information was provided to the ZBA on May 13th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight June 17, 2015 (within 35 days after its May 13th opening). The next scheduled regular ZBA meeting is June 24, 2015.

The application of Siyu Zhou on behalf of Huang Li submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story dormers, second story and two story additions; Section 406: 10.4 in lieu of 19.4 feet minimum required north side yard setback; 10.0 in lieu of 14.6 feet minimum required south side yard setback; and 20.4 in lieu of 25.0 total of two side yards setback. The property is located on the west side of Dickinson Road approximately 150 feet south of the intersection with Clock Avenue and is shown on Assessor's Map #42 as Lot #34, being 33 Dickinson Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 22-2015

Opened on May 13, 2015 and immediately continued to tonight, June 17, 2015 due to a neighbor notification difficulty. Since no testimony, comment, or additional information was provided to the ZBA on May 13th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight June 17, 2015 (within 35 days after its May 13th opening). The next scheduled regular ZBA meeting is June 24, 2015.

The application of Edison Acevedo and E and Acevedo's Contractors on behalf of Curtis & Nancy Troeger submitted on April 15, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of deck, second story and two story additions; Section 406: 16.8 in lieu of 30.0 feet minimum required Noroton Avenue front yard setback. The property is located on the northeast corner at the intersection of Noroton Avenue and Park Place and is shown on Assessor's Map #42 as Lot #83, being 1 Park Place and located in an R-1/3 (residential) Zone.

CALENDAR NO. 25-2015

Opened on May 20, 2015 and immediately continued to tonight, June 17, 2015 due to a neighbor notification difficulty. Since no testimony, comment, or additional information was provided to the ZBA on May 20th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by June 24, 2015 (within 35 days after its May 20th opening). The next scheduled regular ZBA meeting is June 24, 2015.

The application of John & Bethany Lilliquist submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and covered porch additions; Section 406: 4.8 in lieu of 10.8 feet minimum required south side yard setback, 17.8 in lieu of 20.2 feet minimum required north side yard setback, and 22.6 in lieu of 25.0 feet minimum required total of two side yards setback for the second story; and 26.1 in lieu of 30.0 feet minimum required front yard setback for the porch. The property is situated on the east side of the western segment of Walmsley Road approximately 100 feet south of the intersection with Hollow Tree Ridge Road and is shown on Assessor's Map #46 as Lot #108, being 42 Walmsley Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 30-2015

The application of Sebastian Elwart and Elwart Construction on behalf of Yue Huang submitted on April 23, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 14.8 in lieu of 25.7 feet

minimum required south side yard setback and 19.1 in lieu of 30.0 minimum required total of two side yard setbacks. The property is located on the northeast side of Hillcrest Avenue approximately 800 feet north of the intersection with Middlesex Road and is shown on Assessor's Map #27 as Lot #42, being 11 Hillcrest Avenue and located in an R-1/2 (residential) Zone.

CALENDAR NO. 35-2015

POSTPONED TO JULY 15

The application of Scott Church on behalf of LTB Properties submitted on May 20, 2015 for an interpretation of Section 385 and variances of Sections 334, 904 and 226 of the Darien Zoning Regulations; to allow the construction of a two and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 90.00 in lieu of 100.0 feet minimum required lot width and can be properly developed with adequate related site improvements; Section 334: construction on a portion of the lot with 90.0 in lieu of 100.0 feet minimum required lot width; and Sections 904 and 226: installation of parking with 20.5 in lieu of 24.0 feet minimum required backup space. The property is situated on the east side of Brookside Road approximately 100 feet north of the intersection with Bates Farm Lane and is shown on Assessor's Map #14 as Lot #26, being 74 Brookside Road and located in an R-1/2 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Requested amendment to the approved plans of Calendar No. 14-2015, PAG Connecticut LR1,LLC, 1335 Boston Post Road.

2. Requested amendment to the approved sign plans of Calendar No. 56-2013, PR Partnership, LLC dba Giovanni's – Water's Edge, 2748 Boston Post Road. The Public Hearing of this matter was November 13, 2013, December 11, 2013, January 15, 2014, and February 12, 2014 and the deliberation concluded March 12, 2014.
3. Requested amendment to the approved plans of Calendar No. 60-2014, T.G. Diners LLC, 275 Boston Post Road.
4. Possible request to approve amended entry canopy and site plans for ZBA Calendar No. 32-2014, PR Partnership, LLC dba Giovanni's – Water's Edge, 2748 Boston Post Road. The Public Hearing of this matter was July 16, 2014 and the deliberation concluded September 17, 2014.
5. Possible amendment of project plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.
6. Discussion of Verrillo v. Branford ZBA Appellate Court decision.
7. Election of Officers by regular members.
8. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/ guidelines/ staff questions, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/ or requested changes.
9. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

ADJOURN